

REMARKS

This communication is responsive to the Office Action dated June 20, 2001. By this response, Applicant has cancelled claim 16 and amended claims 1, 7, 10, 14, 17, 18, and 19. 19 claims (3 independent and 16 dependent) remain pending in this Application. Support for the amendments is found in the Specification and claims originally filed. No new matter is added by this Amendment.

Section 103(a) Rejections

The Office Action rejects prior claims 1-20 under Section 103(a), citing United States Patent Nos.: 4,120,031, issued June 27, 1977, ("Kincheloe"); 6,161,100, issued November 8, 1996, ("Saar"); and 5,943,656, issued December 3, 1997, ("Crooks"). In rejecting claims 1, 2-8, 10, and 17, the Office Action cites Kincheloe in view of Saar. In rejecting claims 9, 11-16 and 18-20, the Office Action cites Kincheloe in view of Saar and Crooks. Applicant respectfully traverses these rejections in that no motivation exists for the cited combinations and in that even the cited combinations do not anticipate each and every element of the present claims.

Applicant respectfully submits that the prior art of record contains no suggestion or motivation to combine the references as proposed by the Office Action to anticipate any of the pending claims, and it is only through the benefit of hindsight, using the inventor's claims as a roadmap, that the proposed combination could be made.

Kincheloe generally discloses a system for monitoring the consumption or use of a particular utility and for displaying the accumulated use in terms of its cost (Column 1, lines 67-68, and Column 2, lines 1-19). The Kincheloe system includes a device that resembles a calculator and that may be placed in any room of a house, for monitoring of utility

consumption (Column 2, lines 57-68, and Column 3, lines 1-11). As described in Kincheloe, this device is basically a single phase power monitor (Column 3, lines 23-28) or an energy cost monitor that can be placed in a room of a house (Column 19, lines 65-68, Column 20, lines 1-26, and Columns 41 and 42). Kincheloe does not expressly or impliedly mention a method or apparatus for receiving metering data from a utility meter, wherein said metering data is electronically transmitted from said utility meter, as recited by the present claims.

Saar generally discloses a system for billing individual units of a multi-unit building for water use and for water related energy use. (Column 1, lines 22-45 and Column 2, lines 30-56.) This system includes a local receiver for receiving radio signals from multiple water heating usage monitors within a multi-unit building. Saar does not expressly or impliedly suggest combination of its system and method for water energy monitoring with a system or method for an in-home electricity monitor, such as the Kincheloe system.

Applicant's original claim 1 describes a method for receiving metering data from a utility meter, wherein the metering data is electronically transmitted from the utility meter; calculating billing data using the metering data; storing the metering data and the billing data electronically; and reporting the metering data and the billing data electronically. Neither Kincheloe nor Saar contain suggestion or motivation to combine their references as suggested by the Office Action to create a system or method as recited in present independent claim 1 or in claims 2-8, 10, and 17. Applicant respectfully submits that one skilled in the art would not have been motivated to look to the cited references for a suggestion of the claimed invention because the technology of an in-home electric meter is removed from the technology of a system for monitoring water heating usage in a multi-unit building.

In rejecting claims 9, 11-16 and 18-20, the Office Action stated, "It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe, Saar, and Crooks in order to obtain a more efficient method of measuring, billing and receiving payments for electricity." Crooks generally discloses a system and method for computerized billing and payment authorization. (Column 2, lines 61-68 and Column 3, lines 1-28.) Crooks does not, however, suggest combining its billing system with a metering system, as proposed by the Office Action. (See Columns 3-12.) Applicant submits that neither Kincheloe, Saar nor Crooks suggests combining a utility metering system with a billing and payment authorization system. Such a piecemeal combination of elements is only available with the benefit of hindsight, using the Applicant's claims as a roadmap.

Further, even if the systems described in Kincheloe and Saar were combined, the combination would fail to anticipate the invention as claimed. In particular, neither reference discloses at least the step of *reporting said metering data and said billing data electronically*, as recited in claim 1. Such functionality would not be necessary in a monitoring system as described in Kincheloe or in a data collection system for multi-unit buildings as described in Saar.

Additionally, Applicant submits that even if the proposed combination were made, the invention of claim 17 (and all claims dependent therefrom) would not be obtained. Specifically, neither Kincheloe nor Saar disclose user interface means for presenting usage data and a utility bill to customers, as recited by claim 17. Though the Kincheloe system may be used to monitor usage data and energy costs (Column 1, lines 66-68 and Column 2, lines 1-27), the system does not include user interface means for presenting usage data *and a utility bill* to customers. The Saar invention provides for monitoring water energy use in a

multi-unit building (Column 2, lines 30-68 and Column 3, lines 1-36) and may be used to prepare and send a bill to a customer (Column 5, lines 24-48). However, the Saar system does not include *user interface means* for presenting usage data and a utility bill to customers. Thus, even if Kincheloe and Saar are combined, as suggested by the Office Action, the invention of claim 17 would not be obtained.

IN THE DRAWINGS

The objections to the drawings have been noted. Formal drawings will be submitted upon notice of allowance.

Conclusion

In sum, Applicant respectfully submits that the present application is in condition for allowance, and earnestly solicits a Notice of Allowance at the Examiner's earliest convenience. The Examiner is invited to telephone the undersigned if such would advance prosecution of this Application in any way.

Dated this 20th day of September, 2001.

Respectfully submitted on behalf of
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